



Entered on Docket  
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED, IN  
WHOLE OR IN PART, UPON  
INVESTMENT IN THE  
BOISE/GOWEN 93, LLC LOAN**

Hearing Date: March 25, 2008  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Omnibus Objection  
2 of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the  
3 Boise/Gowen 93, LLC Loan (the "Objection") [DE 5748]. Adequate notice of the  
4 Objection was given. The Court heard the Objection on March 25, 2008. No responses  
5 were filed to the Objection and no opposition was raised at the hearing. Good cause  
6 appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
10 are based upon an investment in the Boise/Gowen 93, LLC Loan. The Proofs of  
11 Claim listed in Exhibit A are not affected by this order to the extent they are  
12 based upon an investment in a loan(s) other than the Boise/Gowen 93, LLC  
13 Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to  
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)  
Susan M. Freeman  
Rob Charles  
John Hinderaker  
*Attorneys for USACM Liquidating Trust*

**BOISE/GOWEN**  
**Multiple Loan Claim**

**EXHIBIT A**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Boise-Gowen Loan</b>
<b>10725-02013</b>	Scott Krusee Canepa	c/o Laurel E. Davis Lionel Sawyer & Collins 300 S. Fourth St., Ste. 1700 Las Vegas, NV 89101	Unclear	Unclear
<b>10725-00386</b>	Thomas Sexton	450 Waycliffe Avenue North Wayzata, MN 55391	\$271,000.00	\$121,000.00